

Court of Appeals, State of Michigan

ORDER

People of MI v Joseph Thomas Glatczak

Docket No. 321331

LC No. 13-000243-AV

Amy Ronayne Krause
Presiding Judge

Stephen L. Borrello

Michael J. Kelly
Judges

The Court orders that the motion to dismiss this appeal is GRANTED because the present appeal has been rendered moot by amendments to MCL 780.621 subsequent to this Court granting leave to appeal. Specifically, it is plain, and effectively undisputed by the parties, that the critical “minor offense” definition is no longer applicable to whether the district court may grant expungement of the conviction sought by defendant in this case. Thus, this appeal is moot because any holding from this Court regarding the soundness of the circuit court’s holding as to the constitutionality of the restriction formerly imposed by the minor offense definition would have no practical legal effect on the exiting controversy. *People v Richmond*, 486 Mich 29, 34-35; 782 NW2d 187 (2010). Appellee’s argument that this appeal is not moot because a holding from this Court would be relevant to a defendant who seeks to expunge a conviction of actual or attempted fourth-degree criminal sexual conduct (CSC IV) fails to recognize that whether this appeal is moot is determined by whether a decision on the merits of the appeal would have a practical legal effect in the *existing* controversy in which no such conviction is at issue. Further, it is manifest that this is not a circumstance involving an issue likely to recur yet evade judicial review, *id.*, 40, because the issue of the constitutionality of the minor offense restriction could well recur in a case in which a defendant convicted of actual or attempted CSC IV seeks to expunge such a conviction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

APR 24 2015

Date


Chief Clerk